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Government of Odisha
Women and Child Development Department

No. 13626 /WCD
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Date: 23.8.14

Notification

Guidelines for ensuring a child safe environment in institutions where children are housed and/or study

I. Context

Every child has a right to be safe from violence, abuse and neglect at all times. The well-being and best interest of children is the responsibility of the immediate family, the wider community and the institutions where the child goes for accessing formal/informal education or for care and protection.

Since after a certain age all children access institutional services, it is necessary to ensure that these institutions create and maintain a child safe environment within their immediate premises and also in their peripheral services like school bus, during excursions, outings etc.

The Government of Odisha is notifying the Guidelines for ensuring a child safe environment in institutions where children are housed and/or study with the following objectives:

- Increase focus on prevention of child sexual abuse in institutions where children are housed and/or study.
- Provide a framework to these institutions to develop their internal protocols for redressal of sexual abuse cases related to children.
- Standardise protocols for ensuring safety and protection of children from sexual abuse across all institutions in the State.

II. Category of Institutions

These guidelines shall be applicable to the following categories of institutions:

i. Residential Facilities

- Child Care Institutions including Observation & Special Homes, Specialised Adoption Agencies and Open Shelters being run by the Government and Voluntary Agencies
- All Special Schools

- ST and SC Ashram Schools run by the ST & SC Development Department
- Residential sports hostels run by the Sports and Youth Services Department
- Kasturba Gandhi Balika Vidyalayas run by the School and Mass Education Department
- Primary School Hostels run by the School and Mass education department
- Any other residential facility by any other Government or Private Agency housing children below 18 years of age including Madrassas and mission managed institutions.

ii. Non-Residential Facilities

- All Government and Private Schools in the State
- Pre-Schools and Creches (both Government and Private) in the State
- Any other facility where children below eighteen years of age attend including religious institutions

III. Statutory & Legal Framework

The Juvenile Justice (Care and Protection of Children) Act, 2000 and its subsequent amendment in the year 2006 provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. The Act also focuses on the protection of the rights of the children especially right to protection from violence, abuse and neglect.

The Right to Education Act 2009 makes education a fundamental right of every child between the ages of 6 and 14 and prescribes norms for child friendly schools.

The Protection of Children from Sexual Offences Act (POCSOA), 2012 is a specialised Act which provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography. Punishment for Offences covered in the Act is:

- Penetrative Sexual Assault (Section 3) – Not less than seven years which may extend to imprisonment for life and fine (Section 4)
- Aggravated Penetrative Sexual Assault (Section 5) – Not less than ten years which may extend to imprisonment for life, and fine (Section 6)
- Sexual Assault (Section 7) – Not less than three years which may extend to five years, and fine (Section 8)
- Aggravated Sexual Assault (Section9) – Not less than five years which may extend to seven years and fine (Section 10)
- Sexual Harrassment of the Child (Section 11) – Three years and fine (Section 12)
- Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine (Section 14 (1))

A Sexual Assault shall be considered to be aggravated when the abused child is mentally ill or the abuse is committed by a person in a position of trust of authority vi-a-vis the child, like a family member, police officer, teacher, or doctor.

The POCSO Act recognizes that the intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalised. It also provides for abetment of the offence, which is the same as commission of offence.

The implementation of all the above mentioned Acts is being monitored by the Odisha State Commission for Protection of Child Rights in the State.

The provisions in the above mentioned Acts empower the State Government to lay down guidelines for institutions where children are housed and/or study so as to ensure safety of children.

IV. Principles and Guidelines

It is the mandate/responsibility of the institution to ensure the safety of the child while he/she is within the premises of the institutions or is using any of the services offered by the institution like summer classes, bus facility, excursion, inter school meet, any competitive event etc. The principles given below establish the minimum requirements that the institution shall meet in order to demonstrate that appropriate steps have been taken to establish a safe environment for children.

The action taken by the institution shall be categorised under the following broad areas:

- Prevention
- Reporting & Record Keeping
- Response
- Follow-up and Support

V. Prevention

V.I Awareness Generation

The institutions shall ensure that all staff (direct and indirect, teaching and non-teaching), children and their parents/guardians are aware of the Child Protection Protocol of the institution and the duties cast upon them. The following steps shall be taken for sensitization of Parents, Staff and Children on Child Protection.

- i. All Teachers/Facilitators/Caregivers involved with children shall undergo a module on Child Protection. The module may be standardised for various levels of staff (a Standardised module is available on the website of the Ministry of Women and Child Development, Government of India). This is mandatory for all institutions to be done in-house with the help of experts in the field.
- ii. Sensitisation of children and their parents on Do's and Don'ts of Child Sexual Abuse and Redressal mechanism within and outside their institution. This can be done in the form of an orientation at the beginning of the academic year, hosted on the institutions website or printed in the text books/School Diary.
- iii. Sensitisation of School/Institution's Management Committee members on the Child Protection Protocol of the Institution.
- iv. Continuous training of the Designated Child Protection Officer of the Institution with the support of voluntary agencies, academic institutions on protection of children from child sexual abuse.
- v. The updated name, designation and contact details (with phone number) of the following persons/institutions shall be shared with all children/staff/parents/guardians of the institution:
 - a. CWC Chairperson
 - b. Superintendent of Police
 - c. District Child Protection Officer
 - d. School Student helpline Toll Free No 1800-3456722, S & ME Dept. , Odisha Childline (1098)
 - e. Designated Child Protection Officer of the Institution

The names and contact details of the above should be displayed at a prominent place in the institution.

V.2. Identify and analyse risk of harm

- a. All institutions shall conduct an independent risk assessment of their physical premises and related facilities based on the following factors:
 - Structural Safety of the Building
 - From the protection point of view:
 - Boundary wall of adequate height
 - Adequate security at the entry points and within the premises
 - Adequate lighting and security in vacant/isolated stretches, playground and other such places
 - Segregation of classrooms and recreational facilities for children studying in primary and secondary classes
 - Segregation of bathrooms for girls and boys and primary and secondary classes. Safety of Bathrooms.
 - School Buses and Service Providers assessment

- b. Based on the risk assessment report, the institution shall develop and implement a risk management strategy covering the following points –
- Listing and prioritisation of risks of child sexual abuse
 - A plan to address the high priority risks along with financial resources committed for the same.
 - A plan to minimise, monitor and control the probability/impact of the risks which cannot be immediately removed.
- c. The risk management strategy in the context of child sexual abuse shall be discussed as an agenda item in the management committee meeting/Parents Teachers Meetings of the institution on an annual basis.
- d. The key action points from the risk management strategy shall be included in the School Development Plans in case of Schools. A School Development Plan highlights the key priorities that the school will be focussing on for the next academic area in the following areas – School Management, Infrastructure Development, Professional Leadership, Curriculum and Assessment, Student Learning and Teaching, Student Support and Safety, Partnerships, Attitude and Behaviour and Participation and Achievement

V.3 Mandatory verification of the antecedents of teachers/other staff/service providers (School bus providers) before appointing them/or allowing them access to these institutions.

The institutions shall conduct a criminal history assessment for staff and volunteers who are working with or around children with the local police station. This includes all staff (teaching and non-teaching, direct and service providers) and volunteers who:

- have regular contact with children or regularly work in close proximity to children and are not directly supervised at all times,
- manage or supervise such personnel; or
- have access to records relating to children that are prescribed by regulation.

The antecedent and reference check shall also be done for all teachers and instructors of the institutions and its service providers.

V.4 Preventive Measures to be taken within 2 months of issues of these guidelines

All the institutions mentioned in Section II of these guidelines should immediately comply to the below mentioned safety measures within their institution within a period of 2 months of issue of these guidelines:

- All institutions need to develop and implement a Child Protection Protocol. The primary objective of the Child Protection Protocol shall be to provide a safe and secure environment for all children residing/engaged by the institution.
- Designate the Head of the Institution; the Headmaster/Headmistress/Principal/Superintendent will be designated as the Child Protection Officer for the institution.
- Ensure that the institution and its peripheral facilities are safe for the child.
- The Child Protection Protocol shall be hosted on the institutions website, painted/displayed at a prominent place within the institutions premises, provided to the parents in the form of a leaflet as a part at the time of admission/sharing of report cards, and also printed in the school diaries/textbooks.
- Ensure full awareness of all teaching and non-teaching staff of the institution and the peripheral services on child protection issues
- Respond to information requests and submit compliance reports to their immediate reporting authorities and agencies like the Child Welfare Committee, District Child Protection Unit, Special Juvenile Police Unit, and Management Committee of the Institution etc.
- Maintain a suggestion box in the institutions premises in the corridors of the institution or any other location within the child's reach. The suggestion box shall be opened bi-weekly in the presence of two parents, a lady teacher and the Child Protection Officer of the Institution.
- Ensure that during travel/outing of children, a lady escort is provided for girls
- Ensure that all the caregivers/staff in residential/non-residential facilities for girls and children below 10 years of age are women.
- A lady staff member will be appointed as the lady warden shall be present in institutions having girl inmates.
- In residential facilities, a warden shall be present on the premises where children are residing during night.
- Adequate security arrangements shall be made to monitor visitors and persons gaining entry to the institution like maintenance of visitor register, prior intimation to warden before meeting the child, Photo of the local guardian/ parents to be pasted in the visitors' register etc.
- Handing over of children to authorised persons only.
- All the institutions buses and transport facilities shall have one competent member of the institutions regular staff (preferably a lady staff) during transfer to and from the institution.

VI. Child Protection Protocol (CPP)

The Child Protection Protocol should consist of the following components and will be displayed at a prominent place in the school in the template provided vide Annexure I

- a. **A Child Protection Protocol Statement.** A sample CPP statement has been given below:

'The institution (insert name) is committed to the safety and well-being of all children accessing our services. We support the rights of the child and will ensure a child safe environment is maintained at all times.'

b. Name, Designation, Contact Details, Roles and Responsibilities of the Designated Child Protection Officer –

- Ensure that all the preventive measures listed in section V.2 of this guideline is complied with.
- Ensure that the institution and its peripheral facilities are safe for the child.
- Take fortnightly feedback from staff, children and parents on safety and protection issues in the institution
- Ensure that all stakeholders associated with the institution are aware of the child protection protocol.
- Ensure full awareness of all teaching and non-teaching staff of the institution and the peripheral services on child protection issues
- Respond to information requests and submit compliance reports to their immediate reporting authorities and agencies like the Child Welfare Committee, District Child Protection Unit, Special Juvenile Police Unit, and Management Committee of the Institution etc.
- Take decisions on action required for specific concerns at the institutional level.
- Take steps for prevention of abuse based on formal/informal feedback and liaise with appropriate authorities for suspected cases of abuse.

c. Code of conduct and standards of care for employees and extended service providers in the institution.

All the staff engaged by the institution or by its service providers like school bus owners, cleaning or security agencies etc. shall sign a undertaking (which shall be displayed at a prominent place in the institution) agreeing to follow the below mentioned code of conduct during their engagement with children:

- I will not abuse any child physically, mentally or sexually.
- I will never use language, make suggestions or offer advice which is inappropriate, offensive or abusive
- I will not develop a relationship with children which could be inappropriate, offensive or abusive
- I will not behave physically in a manner which is inappropriate or sexually provocative.
- I will not act in ways intended to shame humiliate, degrade children, or otherwise
- I will treat all children equally
- I will not talk to any child confining him/her in a closed room or lonely place. I will always talk to a child in open spaces.
- I will not take alcohol/drugs in front of the child
- I will not impose ' Threat' and show appearance of 'Fear' through eye contact and take the assistance of canes etc.
- Under any circumstance, I will not punish or humiliate any child.
- I will not show irritating attitude to children,

- I will encourage the creativity of children and give respect to their behaviour.
- I will report if I see any abuse.

This undertaking signed by all staff should be displayed at a prominent place in the institution.

VII. Reporting & Record Keeping

Section 21 (1) of the POCSO Act 2012 provides for mandatory reporting of child sexual abuse to law enforcement authorities, and applies to everyone including parents, doctors and school/institution personnel. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence, failing which he/she may be punished with six months imprisonment and/or fine. The Guidelines for Mandatory Reporting provided in Chapter 9 of the Guidelines issued for implementation of the POCSO Act'12 vide the W&CD Department's notification no. 206 dated 6th January 2014 shall be followed in this regard.

- Any member of the staff, parents/guardians, the child himself/herself, his/her classmates/seniors or anyone else who is a victim or has come across such abuse or finds any of these behaviour or physical symptoms provided in Annexure II can report it to the Child Protection Officer of the institution either verbally or in written form.
- If a child or a parent/guardian/relatives/custodian makes a complaint against a member of the staff, the Child Protection Officer receiving the complaint must take it seriously and immediately inform the take the action prescribed in the subsequent section. A record of the concerns must be made, including a note of witnesses.
- In case the Child Protection Officer is allegedly involved in the case, then the person reporting the offence shall contact the Child Protection Officer's immediate superior or next high ranking officer of the institution.
- The following points shall be kept in mind while the case is being reported by the victim himself/herself:
 - Listen to what is being said without displaying shock or disbelief
 - Accept what is being said
 - Allow the child to talk freely
 - Reassure the child without making promises
 - Not promise confidentiality as it may be necessary to pass on the information for mobilizing action.
 - Reassure the child that what has happened is not their fault.
 - Stress that it was right on his/her behalf to inform
 - Listen, rather than ask direct questions
 - Do not give value judgements
 - Explain the procedure to be followed to address the issue.
 - Provide immediate medical attention if the situation so warrants
 - Make brief notes as soon as possible after the conversation.

- Record the date, time, place and any noticeable non-verbal behaviour and the words used by the student/inmate
- Draw a diagram to indicate the position of bruising/injury, if any.
- Record statement and observations rather than interpretations or assumptions.

VIII. Response

- i. The Child Protection Officer or his/her immediate superior shall take the following steps within 24 hours of the abuse being reported:
 - a. Isolate the alleged abuser from all the children in the institution
 - b. The institution shall file a First Information Report (FIR) with the nearest Police Station.
 - c. Intimate the parents/guardians of the child
 - d. Intimate the management of the institution, Child Welfare Committee and the District Child Protection officer of the District.
 - e. In case the abuse happens in a residential facility, a staff should be attached to the child for providing counselling. The Child should be kept under observation.
 - f. Provide immediate medical facilities to the child from a registered medical facility/practitioner. The provisions given in POCSO Rules No. 5 on Emergency Medical Care and the 'Guidelines for Medical and Health Professionals' provided in Chapter 4 of the Guidelines issued for implementation of the POCSO Act '12 vide the W&CD Department's notification no. 206 dated 6th January 2014 shall be followed.
 - g. In case an older child is involved in the abuse, the following protocol shall be followed:
 - The older child's parents shall be informed immediately.
 - He/She shall be immediately separated from other young children
 - He/She shall be taken to the nearest Special Juvenile Police Unit and produced before the Juvenile Justice Board of the District.
 - He/She shall be counselled and treated with sensitivity
- ii. Concurrently the institution shall also conduct an internal enquiry through a two member committee comprising of one competent male and one lady staff. The 'Guidelines on Interviewing a Child' provided in Chapter 3 of the Guidelines issued for implementation of the POCSO Act '12 vide the W&CD Department's notification no. 206 dated 6th January 2014 shall be followed.
- iii. Particular attention shall be paid to safeguarding the privacy of the child who has been identified as 'at risk' or has been abused. The Designated Child Protection Staff Member/CWC shall track the condition of the child 'at risk' for at least one year.
- iv. The alleged staff of the institution/service providers shall be suspended till the completion of enquiry by the police. In case the allegations are proven, the staff shall be dismissed.

- v. The Management of the institutions shall also ensure to blacklist the offender and ensure that the person is not re-engaged. An intimation of this shall be mandatorily sent to the offender's native and present Police station.

IX. Follow-up and Support

The institution and its staff shall be sensitive to the child who has been abused on his/her return to the institution. The institution shall provide regular counselling support and shall not discriminate the child on any grounds.

The Rule No. 7 of the POCSO Rules also provides for compensation to the Victims of sexual abuse. The institution with the support from the District Child Protection Unit shall facilitate the process of application to for compensation to the District Legal Services Authority.

The Guidelines for provision of Psychologists and Mental Health Experts, Social Workers and Support Persons, Child Development Experts and Legal Aid provided in Chapter 5,6,7, and 8 respectively of the Guidelines issued for implementation of the POCSO Act'12 vide the W&CD Department's notification no. 206 dated 6th January 2014 shall be followed.

X. Monitoring of implementation of these guidelines

The following agencies are authorised to monitor the implementation of these guidelines:

Institution	Monitoring Department	State Level
Schools (including KGVBs and Primary school Hostels)	School and Mass Education Department	OSCPCR
CCIs and Special Schools	Women and Child Development Department	
Ashram Schools	SC&ST Development Department	
Sports Hostels	Sports and Youth Services Department	
Playschool cum Crèches	School and Mass Education Department	
Religious and Minority managed facilities	School and Mass Education Department	
Anganwadi Centres	Women and Child Development Department	

The Government reserves the right to make changes in these guidelines from time to time. The initial compliance to the provisions to these guidelines shall be done within 2 months of issue of these guidelines.

By order of Governor


(Arti Arora) 19/8/14

Commissioner-cum-Secretary

Memo No. 13627 /WCD., Date: 23.8.14

Copy forwarded to the Private Secretary to the Hon'ble Chief Minister, Odisha/ Private Secretary to the Hon'ble Minister, Women and Child Development Deptt. / Principal Private Secretary to Chief Secretary, Odisha for favour of the kind information of the Hon'ble Chief Minister, Odisha/ Hon'ble Minister, W&CD Department and the Chief Secretary, Odisha.

Rpand

Deputy Secretary to Govt.

Memo No. 13628 /WCD., Date: 23.8.14

Copy forwarded to the Secretaries to Govt. of all Departments/ Odisha State Commission for Protection of Child Rights, Qr No.-1, Type-A, Unit-V, Bhubaneswar- 751001, Email: osepcr2012@gmail.com for favour of kind information.

Rpand

Deputy Secretary to Govt.

Memo No. 13629 /WCD., Date: 23.8.14

Copy forwarded to Office of the OSCPS, IMAGE Campus, Siripur Square, Bhubaneswar, Email: odisha.scps@gmail.com for information and needful action.

Rpand

Deputy Secretary to Govt.

Memo No. 13630 /WCD., Date: 23.8.14

Copy forwarded to All the Collectors & District Magistrates/ All the Child Welfare Committees/ All DSWOs/ All DCPOs/ All Child Care Institutions for favour of kind information and needful action.

Rpand

Deputy Secretary to Govt.

Memo No. 13631 /WCD., Date: 23.8.14

Copy forwarded to the ~~Assistant Director~~, Statistics, Computer Cell, W&CD Department for web hosting of above in the Departmental website.

Rpand

Deputy Secretary to Govt.

Memo No. 13632 /WCD., Date: 23.8.14

Copy forwarded to the Director, Printing Stationery & Publication, Orissa, Cuttack for publication in the next issue of the Orissa Gazette.

He is requested to supply 500 (five hundred) copies of the Notification to this Department.

Rpand

Deputy Secretary to Govt.

Annexure I. Template for Display of Child Protection Protocol

- 1) Name of the Institution:
- 2) Address for Correspondence:
- 3) Name of the Designated Child Protection Staff Member:
- 4) Designation and Contact Details:
- 5) Name of the Next High Ranking Officer in the Institution:
- 6) Designation and Contact Details
- 7) Child Protection Protocol Statement
- 8) Reporting Protocol for Sexual Abuse
- 9) Code of Conduct for all staff
- 10) Emergency Contact Numbers

To be signed by all regular and extended staff of the institution

Annexure II: Signs, Symptoms and Indicators of Sexual Abuse

Physical Indicators

- Difficulty in sitting down or walking
- Pain or itching in private parts
- Excessive crying
- Bleeding or general illness

Behavioural Indicators

- Inappropriate sexual behaviour or knowledge as per child's age
- Sudden behavioural changes
- Wary of Adults/Lack of trust
- Running away from home
- Unusual avoidance of touch
- Eating disorders
- Emotional withdrawal
- Poor relationship with peers
- Avoiding medical check-ups or consultation with doctors
- Soiling of clothes
- Substance abuse
- Frequent absenteeism

